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12 PER L.R. IA 11-1(b)

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16 **UNITED STATES DISTRICT COURT**

17 **DISTRICT OF NEVADA**

18 BANK OF AMERICA, N.A., AS
19 SUCCESSOR BY MERGER TO BAC
20 HOME LOANS SERVICING, LP,

21 Plaintiff,

22 vs.

23 NORTH AMERICAN TITLE INSURANCE
24 COMPANY, DOE INDIVIDUALS I through
25 X; and ROE CORPORATIONS XI through
26 XX, inclusive.

27 Defendants.

28 Case No.: 2:21-CV-00415

**NORTH AMERICAN TITLE
INSURANCE COMPANY'S PETITION
FOR REMOVAL**

21 **TO THE CLERK OF THE UNITED STATES DISTRICT COURT FOR THE**
22 **DISTRICT OF NEVADA:**

23 **PLEASE TAKE NOTICE** that defendant North American Title Insurance Company
24 (“North American”) hereby removes the instant action to the United States District Court for the
25 District of Nevada (the “District Court”), from Nevada’s Eighth District Court in and for Clark
26 County (the “State Court”), pursuant to 28 U.S.C. §§ 1332, 1441(b) and 1446.

27 1. Plaintiff Bank of America, N.A. as Successor by Merger to BAC Home Loans
28 Servicing, LP (“Bank of America”) first filed this action on March 9, 2021 in the State Court.

1 Bank of America originally named as a defendant North American. A true and correct copy of the
 2 Complaint is attached hereto as **EXHIBIT ONE**.

3 2. This Court has jurisdiction over the instant action pursuant to 28 U.S.C. § 1332(a)
 4 because: (i) this action is a civil action pending within the jurisdiction and territory of the United
 5 States District Court for the District of Nevada; (ii) the action is between citizens of different
 6 states; (iii) the amount in controversy exceeds the sum of \$75,000, exclusive of interest and costs;
 7 and (iv) all procedural requirements for removal are met.

8 3. ***There is Complete Diversity of Citizenship Here.*** A corporation is a citizen of the
 9 state where it is incorporated and the state where its principal place of business is located. 28
 10 U.S.C. § 1332(c)(1). Bank of America alleges that North American is a California corporation
 11 with its principal place of business in Florida.¹ (Compl. ¶ 2.) Thus, it is a citizen of South Carolina
 12 and Florida (see footnote 1, *supra*). Bank of America has alleged that it is a national banking
 13 association charted under the laws of the United States with its main office in the state of North
 14 Carolina. (Compl. ¶ 1.) It is therefore a North Carolina citizen for purposes of diversity of
 15 citizenship. *Wachovia Bank v. Schmidt*, 546 U.S. 303, 319 (2006) (national bank association is
 16 citizen of the state where its main office is located). Thus, there is complete diversity of
 17 citizenship between and among the parties.

18 4. ***The Amount in Controversy Exceeds \$75,000.*** The complaint in this action seeks
 19 both monetary and nonmonetary relief. Bank of America contends it is suing on six insurance
 20 policies in a total amount of \$1,389,541.00, and that it is seeking both attorney's fees and punitive
 21 damages. Bank of America seeks a judicial declaration that it is entitled to recover the full
 22 Amount of Insurance (Compl. ¶ 147), and North American understands that it also claims that
 23 sum as a component of its damages. Thus, the amount in controversy exceeds the jurisdictional
 24 minimum of the District Court.

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28 ¹ Although it does not affect the diversity of citizenship analysis, North American is
 actually a South Carolina corporation.

1 5. ***North American Timely Filed This Notice of Removal.*** This action was filed two
 2 days ago. Thus, there can be no dispute that North American timely filed the instant notice of
 3 removal (i.e., within the 30-day period prescribed by 28 U.S.C. § 1446(b)(1), and less than one
 4 year after the action was initiated, as required by 28 U.S.C. § 1446(c)(1)).

5 6. ***Notice to the State Court and All Adverse Parties.*** North American will give
 6 notice of this removal to all adverse parties in the action and to the State Court promptly after the
 7 filing of the instant Notice of Removal, in compliance with the requirements of 28 U.S.C. §
 8 1446(d).

9 7. ***All Pleadings from the State Court Action Have Been Attached.*** The only
 10 pleadings from the State Court Action are attached hereto as **EXHIBITS ONE and TWO.**

11 8. ***This Notice Complies with Fed. R. Civ. P. 11.*** This Notice of Removal is hereby
 12 signed pursuant to Fed. R. Civ. P. 11(a).

13 9. Accordingly, as North American has complied with all applicable terms of 28
 14 U.S.C. § 1446, it hereby removes this action in intervention from the State Court to the District
 15 Court, and it hereby requests that further proceedings be conducted in the District Court as
 16 provided by law.

17 Dated: March 11, 2021

SINCLAIR BRAUN LLP

19 By: /s/-Kevin S. Sinclair
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 21 Attorneys for Defendant
 22 NORTH AMERICAN TITLE INSURANCE
 23 COMPANY